THE TIMES-PICAYUNE
New Orleans, Louisiana
October 1, 1960

CANCER-SMOKE LINKS REJECTED

See No Relation, Say Expert Witnesses

Defendant tobacco companies in the cigarettee-cancer suit being tried in federal court Friday placed two experts witnesses on the stand who said that they see no relationship between smoking and lung cancer.

Attorneys for the plaintiff had concluded their presentation earlier after Judge Herbert W. Christenberry refused to allow the filing in evidence of an unpublished report of a tobacco company's research dealing with the effects of tobacco tars on experimental animals.

Judge Christenberry denied a motion by the defendants asking that all testimony in connection with animal experiments be stricken from the record and one asking that the jury be directed to return a verdict for the defendant.

The first witness for the defendants was Dr. Thomas H. Burford, St. Louis, Mo., professor of surgery at Washington university and chief of the thoracic surgery division at Barnes hospital in St. Louis.

He said that he has attended over 2000 cancer cases and has operated on over 1275 "from all walks of life, all social and economic strata, all occupations and all races."

Asked by defense attorney Harry Kelleher if he had an opinion on the incident of lung cancer in non-smokers, Dr. Burford said: "It definitely does occur. In my own opinion it has appeared in between 20 and 25 per cent of the cases."

SAYS 'NO MAN KNOWS CAUSE OF CANCER'

He said that he cannot say with reasonable medical certainty that epidermoid cancer of the lung is caused by smoking. "I cannot say probable or that it is a contributing factor," he asserted.

The surgeon testified that it is not a generally accepted fact in the medical fraternity that it is a factor. When presented with a hypothetical question based on the personal and medical history of Frank J. Lartigue, whose widow is suing the tobacco firms on the grounds that the lung cancer from which he died in 1955 was caused by smoking, he said that he could not be medically certain that Lartigue's cancer was caused by smoking.

He said that he is of the opinion that cigarette smoking does not cause cancer and that the opinion is based on his own clinical experience and observations.

Dr. Burford testified that he has seen only four cases of cancer of the trachea "which gets the blast of cigarette smoke coming and going."

He said that there is a well known difference in the incidence of lung cancer in males and females, with the male having a five to one rate over the female. He denied that this ratio is narrowing and contended that it is staying the same.

"No man knows the cause of any cancer or any kind of cancer. If that question were answered, I would not be here," he testified.

MANY COLLEAGUES' VIEWS SAME, HE SAYS

He was cross examined at length on this statement by Melvin M. Belli, one of the plaintiff's attorneys.

"What happens in the case of an excess of X-ray, do we get a high rate of cancer?" Belli asked.

"Yes," the witness replied, but he claimed that this was tied in with the susceptibility of those exposed to the rays. He termed X-ray a "probable" cause and then said that it "could be a contributing factor." Other factors, he said, are susceptibility, and sensitivity of the skin.

He said that he is not one of those who believes in the relationship between cancer and atomic or hydrogen energy and denied that cancer incidence in Hiroshima after the atomic bomb was dropped was conclusive.

The witness denied being prejudiced and said that many of his colleagues hold the same view with regard to atomic and hydrogen energy. Asked by Belli to point to any scientific articles which hold with his views, the witness said that he could not.

Dr. Burford said that he did not believe that animal experiments with cigarette tars could be applied to humans and that he has not encountered any experiments which could be considered conclusive.

Belli referred to Dr. Burford's direct testimony that lung cancer appeared in 20 to 25 per cent of his cases of non-smokers, and asked if it were not true that 75 to 80 per cent of the cases were heavy smokers. The witness admitted this.

Dr. Burford denied being employed by the cigarette industry and said that he is being paid on an expense and time basis. "I will submit to someone an expense and time account, I don't know what it will be," he asserted.

NOT SCIENTIFICALLY PROVED—MAHORNER

The doctor said that he smokes about a pack and a half of cigarettes a day but has no sympathy for the person who can't stop smoking. "I do it myself every month or so just to prove it to myself," he asserted.

Dr. Howard Mahorner, professor of surgery at the Louisiana State university medical school, followed Dr. Burford to the stand. He was questioned by Harry McCall Jr., another defense attorney.

He said that he has seen and operated on persons having lung cancer and in answer to the question of whether or not he had an opinion on the causal relationship of smoking and lung cancer, he said.

"We don't know the cause of cancer. Tobacco has been put under suspicion principally because of statistics. Whether there is a possibility that tobacco causes cancer is not scientifically proved by any means. If it is a factor, when it operates, in whom it operates, we are unable to say."

He said that many in the medical profession disagree with him and that in forming his opinion he has taken into consideration the factors used by those who disagree.

He was also asked the same hypothetical question based on Lartigue's history and he said that in his opinion it cannot be said that his cancer was caused by his smoking. "Who can say that the man would not have developed cancer of the lung if he had never taken a cigarette?" he asked. "He could have and he might have."

Cross examined by Belli, Dr. Mahorner said that he could not cite any specific medical works to support his opinion on lung cancer and smoking and could not give any percentages on cancer of the lung in smokers and non-smokers. He said that 100 out of every 100,000 of the population develop cancer of the lung each year.

ATTEMPT TO ENTER REPORT ON TESTS

He admitted that the extent of his thoracic surgery is "not extensive," and said that he has seen less than 50 lung cancer patients in surgery and could not say how many were smokers.

In connection with the admissibility of the controversial unpublished tobacco company report which Belli and H. Alva Brumfield attempted to put into evidence, Judge Christenberry said that since it was a report of the Liggett and Myers Tobacco Company, one of the defendants, and if admitted would be "highly prejudicial" against the other defendant, the R. J. Reynolds Tobacco Company.

The plaintiff's attorneys claimed that the report deals with an experiment conducted by a private testing laboratory for Liggett and Myers which was intended to refute findings of tests made at New York's Sloan-Kettering Institute but which actually supported those tests.

The suit against the two tobacco companies was brought by Mrs. Victoria St. Pierre Lartigue who is asking $150,000 for her husband's death.

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Source: https://www.industrydocuments.ucsf.edu/docs/zxbm0000